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2026:GAU-AS:8555-

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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/22/2025

SHRI KIRON PAIRA
UNITED NORTH BLOCK-B,PAIRA COLONY,DIMAPUR-797112, NAGALAND

VERSUS

THE UNION OF INDIA
THE MINISTRY OF HOME AFFAIRS,GOVT. OF INDIA,SOUTH BLOCK,NEW DELHI

2:THE STATE OF ASSAM
THROUGH THE CHIEF SECRETARY
DISPUR
ASSAM

3:THE STATE OF NAGALAND
THROUGH CHIEF SECRETARY
THE GOVT. OF NAGALAND
KOHIMA NAGALAND

4:THE HOME COMMISSIONER
DEPT. OF HOME AFFAIRS
GOVT. OF NAGALAN

Advocate for the Petitioner : MR. N. GAUTAM, MR. V. RAJKHOWA,MR. S. BORTHAKUR

Advocate for the Respondent : MR. K.N. BALGOPAL, AG, NAGALAND, MS. R.B BORA, Jr. GA, ASSAM,MS. ENATOLI SEMA,MS. M. KECHII, ADDL. AG, NAGALAND,MS. T. KHRO ADDL. AG, NAGALAND

Linked Case : PIL/29/2025

UTTAM BATHARI
S/O SRI HIRU BATHARI
RESIDENT OF PROTECH PARK
UPPER HENGRABARI
GUWAHATI ASSAM 7810.36

2: KANGTHIM RONGHANG
S/O SRI RAJEN RONGHANG
RESIDENT OF DONGKAMUKAM
DIST WEST KARBI ANGLONG
ASSAM 782485

3: SARKLIM BEY
S/O SR. MANIRAM BEY

RESIDENT OF RONGSAMPRI
DIPHU
DIST KARBI ANGLONG
ASSAM
782460
VERSUS

THE UNION OF INDIA AND ORS
REP BY THE SECRETARY
MINISTRY OF HOME AFFAIRS
GOVT. OF INDIA
NEW DELHI 110001

2:THE STATE OF ASSAM
REP BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR GUWAHATI 781006

3:THE STATE OF NAGALAND

REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND
NAGALAND CIVIL SECRETARIATE
KOHIMA
NAGALAND
797004

4:THE HOME COMMISSIONER

HOME DEPARTMENT
GOVT. OF NAGALAND

NAGALAND CIVIL SECRETARIATE
KOHIMA
NAGALAND
797004

5:THE DEPUTY COMMISSIONER

DIMAPUR
O/O THE DEPUTY COMMISSIONER
DIMAPUR
797112 NAGALAND

Advocate for : MR A.J.SARMA
Advocate for : GA
NAGALAND appearing for THE UNION OF INDIA AND ORS

Linked Case : PIL/67/2025

KIRON PAIRA
UNITED NORTH BLOCK-B
PAIRA COLONY
H. NO. 78
DIMAPUR- 797112
NAGALAND

VERSUS

THE UNION OF INDIA AND 5 ORS.
THROUGH THE CHIEF SECRETARY
THE GOVT OF INDIA
SOUTH BLOCK
NEW DELHI.

2:THE STATE OF ASSAM
THROUGH THE CHIEF SECRETARY
THE GOVT OF ASSAM
DISPUR
ASSAM.

3:THE STATE OF NAGALAND
THROUGH CHIEF SECRETARY
THE GOVT OF NAGALAND
KOHIMA
NAGALAND.

4:THE DEPUTY COMMISSIONER
DIMAPUR DISTRICT
DIMAPUR
NAGALAND

5:THE DEPUTY COMMISSIONER
CHUMOUKEDIMA DISTRICT
CHUMOUKEDIMA
NAGALAND.

6:THE DEPUTY COMMISSIONER
NIULAND DISTRICT
NIULAND
NAGALAND.

Advocate for : MR P CHOWDHURY
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS.

BEFORE

HON'BLE THE CHIEF JUSTICE ASHUTOSH KUMAR

HON'BLE MR JUSTICE ARUN DEV CHOUDHURY

For the Petitioners :Mr. K. N. Choudhury, learned Senior Counsel, assisted by Mr. K. Mohammed, learned counsel in PIL No. 22/2025 and PIL No. 67/2025,

Mr. S. Borthakur, learned Senior Counsel, assisted by Mr. V. Rajkhowa, learned counsel in PIL No. 29/2025.

For the Respondents :Mr. K. N. Balgopal, Advocate General, Nagaland assisted by Ms. M. Kechii, Additional Advocate General, Nagaland and Ms. T. Khro, Additional Advocate General, Nagaland and with Ms. A. Sema, Additional Advocate General, Nagaland, Ms. N. Nambiar, Advocate., Ms. Y. Bhusan Aggarwal, Advocate., Ms. V. Kense, Advocate, Ms. L. A. Shishak, Advocate., Ms. S. Singh, Advocate.

:Mr. S. K. Medhi, CGC.

Date on which the Judgment is Reserved : 09.06.2026

Date of the pronouncement of Judgment : **16.06.2026**

Whether the pronouncement is the operative part of the Judgment : NA.

Whether the full Judgment has been pronounced : Yes.

JUDGMENT & ORDER (CAV)

(A.D.Choudhury, J)

1. These three Public Interest Litigations (PILs) are taken up together for final disposal.

2. PIL No. 22/2025 and PIL No. 67/2025 have been filed by a resident of Dimapur, Nagaland, assailing:

I. Notification No. CON-3/ PAP/65/10, dated 20.09.2024, whereby the Inner Line Permit (ILP) regime has been extended to the districts of Dimapur, Chumuke-Dima and Niuland;

II. The Nagaland Land and Revenue Regulation (Amendment) Act, 1978.

III. Notification No. CON/RIIN/50/2020 dated 20.9.2024, which sets out the criteria for issuing the Indigenous Inhabitant Certificate.

3. The other PIL No.29/2025 has been filed by three individuals belonging to the Dimasa and Karbi tribes and residents of the state of Assam, assailing:

I. The Notification No. CON-3/PAP/65/10 dated 20th September, 2024.

II. The Notification No. DC/ILP-1/2018-D/PT/1459 dated 27th May, 2025, issued by the Deputy Commissioner, Dimapur, whereby documentary requirements for the grant of Inner Line Permit were notified.

4. Heard Mr K. N. Choudhury, learned Senior Counsel, assisted by Mr K. Mohammed, learned counsel for the petitioner in PIL No. 22/2025 and PIL No. 67/2025, Mr S. Borthakur, learned Senior Counsel, assisted by Mr V. Rajkhowa, learned counsel for the petitioner in PIL No. 29/2025.

5. We have also heard Mr K. N. Balgopal, learned Advocate General, Nagaland, assisted by Ms M. Kechii, learned Additional Advocate General, Nagaland and Ms T. Khro, learned Additional Advocate General, Nagaland.

6. During the course of the hearing, Mr K. N. Choudhury, learned Senior Counsel, appearing for the petitioners in PIL No. 22/2025 and PIL No.67/2025, submitted that the challenge originally lay to the Nagaland Land and Revenue Regulation Amendment Act, 1978, and Notification No. CON/RIIN/50/2020, which lays down criteria governing the issuance of Indigenous Inhabitants Certificates, is not being pursued.

7. Therefore, the surviving challenge in the PILs is confined to the Notification No. CON-3/ PAP/65/10, dated 20.09.2024 and Notification No. DC/ILP-1/2018-D/PT/1459 dated 27th May, 2025.

8. Mr. K. N. Choudhury, learned Senior Counsel, for the petitioners, contends that the impugned notification constitutes an impermissible restriction upon the freedoms guaranteed under Articles 14, 19 and 21 of the Constitution.

9. According to the petitioners, the notification seeks to impose substantive restrictions on movement and residence through executive action, unsupported by a valid law, thereby transgressing constitutional limitations.

10. The submission advanced on their behalf is that the notification amounts to a restriction on movement, which could be imposed, if at all, only by a law satisfying the requirements of Article 19(5) of the Constitution of India. It is contended that the impugned notification issued by the Executive cannot substitute a Legislative enactment.

11. It is further argued that the Bengal Eastern Frontier Regulation, 1873, upon which the State places reliance, is a colonial enactment conceived under a fundamentally different Constitutional Order and cannot today furnish a valid basis for restricting Constitutional freedoms guaranteed under Part III of the Constitution of India.

12. According to the petitioners, continuation of such enactments through Constitutional adaptation does not immunise it from the constitutional scrutiny inasmuch as such a regulation cannot be elevated to a status of law as required under Article 19(5) of the Constitution of India.

13. The learned Senior Counsel further argues that the State admits in their affidavit that the Inner Line Permit Regime was consciously not implemented in Dimapur for decades. Such exemption, according to him, therefore, was not accidental but represented a considered policy choice intended to facilitate trade, commerce, and economic integration, which is clear from the state affidavit filed by the respondent/Nagaland state.

14. According to him, in Dimapur, there are non-Naga, non-indigenous residents, including some tribes recognised in Assam since their forefathers. The subsequent extension of the regime is therefore urged to be arbitrary and unsupported by a discernible constitutional rationale.

15. It is also argued that the state has failed to place any empirical material demonstrating the necessity of extending the regime to Dimapur.

16. According to the petitioners, where a measure is justified on the basis of protection of indigenous interests, demographic concerns, or preservation of cultural identity, constitutional legitimacy requires at least some demonstrable factual foundation.

17. Particular emphasis has been placed upon the proposition that Article 371A remains subject to Part III of the Constitution of India. It is submitted that constitutional protections accorded to Nagaland cannot override the guarantees contained under Articles 14, 19, and 21 of the Constitution of India.

18. While endorsing the arguments of Mr K.N. Choudhury, Mr S. Borthakur, learned Senior counsel for the petitioners in PIL No. 29/2025, further argues that his clients have filed the PIL espousing the cause of the Dimasa and Karbi community residing in the adjoining districts of Dima Hasao and Karbi Anglong in the state of Assam.

19. According to the learned Senior Counsel, members of the Dimasa community maintain deep historical, familial, and cultural ties with the residents of Dimapur. According to him, such ties are not recent but trace their origin to the historical association of Dimapur with the Kachari kingdom, which was admittedly, the capital of the Kachari Kingdom.

20. It is argued that the permit requirement imposes recurring hardship upon the members of the community who are required to travel frequently to Dimapur for familial, social, commercial, and cultural purposes.

21. Learned Senior Counsel further contends that the States' own affidavit disclosed that Dimapur was historically kept outside the operational ambit of the inner-line permit system for economic reasons. It is therefore urged that the present attempt to justify the extension on the grounds of public security and law and order suffers from internal inconsistency inasmuch as, even under regulation, the object to empower the state to declare inner-line is for the protection of the Naga tribes, and not for any security and law and order situation.

22. A further grievance concerns the insistence upon NRC-related documentation. It is submitted that the National Register of Citizens process in Assam has not attained finality and that insistence upon such documentation for issuance of ILP effectively creates a condition incapable of compliance.

23. The State of Nagaland contests the challenge.

24. Mr. K.N. Balgopal, the learned Advocate General, submits that the notification is traceable to the powers expressly conferred under Section 2 of the Bengal Eastern Frontier Regulation, 1873 and therefore cannot be characterised as a mere executive instruction.

25. It is submitted that the regulation itself forms part of the continuing body of law recognised by Article 372 of the Constitution and that its validity cannot be ignored merely because of its colonial origin.

26. The State further relies upon the historical position of the Naga Hills as a frontier and protected region. According to the State, the inner-line system has constituted a continuous legal mechanism for regulating entry into protected areas and preserving the interests of the indigenous communities.

27. The affidavit filed on behalf of the State asserts that the notification has been issued to safeguard the interests of the indigenous people within the scope of the Bengal Eastern Frontier Regulation, 1873, and within the Constitutional framework recognised under Article 29(1).

28. The State further asserts that uncontrolled illegal immigration poses concerns relating to public security, public safety and law and order and that effective implementation of the inner-line system is necessary to address such concerns.

29. It is also contended that unsafe migration undermines the Constitutional

safeguards recognised in favour of the people of Nagaland and that the impugned measure is intended to preserve those safeguards.

30. The State nevertheless maintains that the present ILP regime is not intended to create internal barriers. According to the affidavit, the measure is regulatory in nature and seeks only to strengthen the implementation of the inner-line system already recognised by law.

31. Having noticed the rival submissions, it becomes necessary to briefly examine the historical and constitutional background of the Inner Line system.

32. The Bengal Eastern Frontier Regulation, 1873, introduced the concept of the Inner Line in specified frontier regions. The regulation empowered the competent authority to prescribe and alter by notification a line beyond which entry could be regulated.

33. The object underlying the Legislation was to create a legal framework through which frontier and tribal regions could receive differentiated treatment. The Naga Hills formed part of the territories to which the protective framework extended.

34. The region's subsequent historical development reflected a continuing pattern of differentiated governance.

35. Under the Scheduled District Act, 1874, various frontier and tribal areas were recognised as requiring special administrative arrangements. Such areas were not subjected to the automatic application of the general legal regime prevailing in the plains. The rationale underlying such treatment was the recognition of distinctive social structures, customary institutions, and patterns of landholding.

36. The position became more pronounced under the Government of India Act, 1935.

The Naga Hills were treated as an excluded area outside the automatic application of ordinary provincial Legislation. Provincial enactments could not extend to such areas unless specifically directed by the Governor.

37. The Governor was empowered to administer such areas through special regulations. These provisions reflected a Legislative understanding that frontier and tribal regions required differentiated governance.

38. The Constitutional transition brought about by independence did not erase this history.

Article 372 ensured continuity of existing law. Consequently, laws operating immediately prior to the commencement of the Constitution continued unless altered, repealed, or amended by a competent authority.

The Bengal Eastern Frontier Regulation, 1873, accordingly survived the Constitutional transition by virtue of the Adaptation of Laws Orders.

39. Its authority thereafter derived not from colonial power but from the Constitution itself. The legal continuity thus secured by Article 372 remains one of the foundational features of constitutional governance.

40. Subsequent Constitutional developments reinforced the distinctive position of Nagaland.

The State of Nagaland came into existence through the Constitutional and Statutory arrangements leading to statehood.

41. Simultaneously, Article 371A was incorporated into the Constitution, which represents Constitutional recognition of the distinctive historical and cultural position occupied by Nagaland within the Indian Union.

It reflects a Constitutional decision to preserve certain features of Naga identity and institutions within the Constitution's broader framework.

42. The significance of Article 371A lies not in creating an enclave outside Constitutional scrutiny but in acknowledging that uniformity is not the sole Constitutional value.

43. The differentiated treatment is not inherently inconsistent with equality. The Constitution accommodate diversity as well as uniformity. The historical narrative, therefore, demonstrates continuity rather than disruption.

44. The impugned notification must therefore be examined against this Constitutional and historical background.

45. The challenge before us proceeds on two interconnected assumptions.

The first is that the Bengal Eastern Frontier Regulation 1873 does not constitute a Law capable of sustaining restrictions contemplated by Article 19(5).

The second is that the Impugned notification is merely an Executive measure and lacks legislative

authority.

Since both assumptions lie at the foundation of the challenge, it is necessary to examine them at the outset.

Thereafter, we shall proceed with the third concern, the challenge founded on Articles 14 and 19 of the Constitution, including submissions relating to Article 371A, the historical position of Dimapur, and the grievances raised on behalf of the Dimasa and Karbi petitioners.

46. The first question concerns the legal status of the Bengal-Eastern Frontier Regulation, 1873.

47. The submissions advanced on behalf of the petitioners are that the regulation is a colonial enactment conceived under a Constitutional order fundamentally different from the one established by the Constitution of India. It is urged that restrictions upon constitutional freedoms cannot today derive legitimacy from such a source.

48. Such an argument possesses certain intuitive appeal.

The Regulation undoubtedly originated during the colonial era and reflected the frontier policies of that period.

Constitutional adjudication, however, cannot proceed merely upon historical origins.

The relevant question is not how a law originated but whether it continues to derive force of law from the Constitution.

49. Article 372 of the Constitution of India embodies one of the foundational principles governing constitutional transition. The Constitution did not envisage that every pre-existing law would cease to operate on the date of commencement. Such an approach would have created legal uncertainty of the highest order. Continuity of law was therefore recognised as a constitutional necessity.

50. Article 372 of the Constitution of India expressly provides for the continuance of all laws in force immediately before the commencement of the Constitution until altered, repealed or amended by a competent authority. The continuance contemplated by Article 372 of the Constitution of India is not provisional or symbolic; it is real and effective.

51. A law continued by Article 372 of the Constitution of India derives its authority from the Constitution itself. The Bengal Eastern Frontier Regulation, 1873, survived the constitutional transition through adaptation and continued application.

52. The Adaptation of Laws Orders, as well as Article 372 of the Constitution of India, gives the Regulation the status of law. Indeed, the materials placed before us indicate that subsequent constitutional and statutory developments proceeded on the footing that regulation continued to remain operative. The Adaptation of Laws Orders recognised its continued existence as law.

53. The State has also drawn attention to the Adaptation of Laws Amendment Orders, 2019, by which references within the regulation were suitably adapted in relation to the State of Nagaland. These developments are inconsistent with the petitioners' suggestion that the Regulation ceased to exist in law.

54. Article 372 embodies a Constitutional decision to continue in force all laws existing immediately before the commencement of the constitution, subject, of course, to their conformity with Constitutional limitations.

The provision does not preserve the operation of pre-constitution laws as executive instructions or subordinate norms; it expressly continues them in force as law by the Constitution itself.

It derives its Post-Constitution legitimacy not from the colonial authority that originally created it, but from the constitution. Article 372 does not merely preserve executive practice; it preserves ***laws.***

The Constitution itself confers continuing force upon them. To hold otherwise would render Article 372 otiose and produce a legal vacuum in fields governed by pre-existing law.

55. The further argument of Mr. Choudhury, learned Senior Counsel is that the Regulation enacted prior to the commencement of the Constitution cannot be accorded the status of primary legislation and therefore, cannot constitute the source of a restriction upon freedoms guaranteed under Article 19.

56. We are unable to accept the proposition.

57. In the present case, the Constitution, by virtue of Article 372 and the Adoption Order, declares the Regulation to continue as law. That itself addresses the foundation of the argument

that a regulation is inherently inferior to law for the purposes of Article 19.

58. The argument further overlooks the distinction between the source of a law and its Constitutional validity.

A Regulation enacted under a competent legislative authority prior to the Constitution was legislative in character when enacted. Article 372 did not alter that character. It merely continues its operation subject to constitutional scrutiny.

59. Another important aspect is that the Bengal Eastern Frontier Regulation 1873 was promulgated by the Governor General in Council, exercising its legislative power for the frontier territories. Regulations made under sovereign legislative authority, as legislative enactments, have the force of primary legislation unless the constitutional scheme itself indicates otherwise.

60. Indeed, the petitioners' submission, if accepted, would call into question the Constitutional validity of innumerable Pre-Constitution enactments, which continue to operate throughout the Country by virtue of Article 372. The Constitution itself does not recognise any such distinction between laws enacted before and after its commencement, subject to the adoption of pre-Constitution enactment under Article 372.

61. Reliance was placed by Mr. Choudhury, learned Senior Counsel for the petitioners, on the decision in **Kaiser-I-Hind Pvt. Ltd. and another Vs. National Textile Corpn. (Maharashtra North) Ltd. and Others** reported in **(2002) 8 SCC 182.** We do not find that decision of any assistant to the petitioners.

62. The controversy therein arises in an entirely different Constitutional setting involving repugnancy, presidential accent and the continuity of a temporary enactment. The present case concerns neither a temporary statute nor repugnancy. The Frontier Regulation, 1873, continues by virtue of Article 372 of the Constitution and the adaptation orders. The principle governing the issue considered in the **National Textile Corporation(supra)** is, therefore, materially different from the issues raised in the present lis.

63. It is equally significant that the constitutional validity of the Regulation itself has not been directly challenged before us. The petitioners do not seek a declaration that the regulation is unconstitutional. Their principal challenge concerns the notification issued thereunder.

64. In these circumstances, we are unable to accept the submission that the Bengal Eastern Frontier Regulation, 1873, is not law within the meaning of the Constitution. A law does not cease to be law merely because of its antiquity, nor does a statute lose legal force solely because it originated before the commencement of the Constitution, so long as it continues under Article 372 of the Constitution of India and remains unrepealed or struck down. The Courts are bound to recognise its existence and legal efficacy.

65. The challenge then shifts from the parent law to the impugned notification.

66. The learned counsel for the petitioners contends that Article 19(5) permits restrictions on movement and residence only by law, not by executive action.

The proposition stated in the abstract admits of little controversy. Fundamental freedoms cannot be curtailed merely because the executive considers such curtailment desirable. Restrictions upon Constitutional freedoms must be referable to law.

67. Reliance was also placed upon **the State of Bihar and Others V. Project Ucccha Vidya, Sikshak Sangh and others,** reported in **(2006) 2 SCC 545**, for the proposition that restrictions on fundamental rights cannot be imposed by executive instruction.

68. The proposition is settled.

However, the premise on which the petitioner proceeds is itself erroneous.

As already noticed, the impugned notification is not the source of restriction. The source of authority is Regulation 1873, which continues as law.

The decision, therefore, does not advance the petitioner's case inasmuch as, in the given facts of that case, the requirement was primary legislation, but it was done by an executive fiat, which is not the case in the present litigation.

69. The difficulty with the petitioners' submission lies elsewhere. It proceeds on the assumption that the impugned notification itself constitutes the source of restriction.

In our view, that assumption is not correct. The notification does not create the inner-line system, nor does it introduce a regulatory framework previously unknown to the law.

70. The existence of the inner-line system predates the notification by more than a century.

The notification merely extends and operationalises a mechanism already contemplated by the Bengal Eastern Frontier Regulation 1873. The source of authority is therefore the regulation itself.

71. In constitutional terms, the notification is an exercise of delegated statutory authority. Judicial Review in such cases does not proceed by isolating the notification from its parent source. The relevant inquiry is whether the impugned action is traceable to authority conferred by law. We find that it is.

72. Before proceeding further, it would be useful to notice the scheme underlying the Bengal Eastern Frontier Regulation 1873.

73. The challenge advanced before us has largely focused on Section 2 of the Regulation. Since the impugned notification has been issued in exercise of powers traceable thereto. Yet, the Constitutional validity of the impugned action cannot be appreciated by viewing Section 2 of the Regulation in isolation from the constitutional framework within which it operates.

74. Section 2 of the Regulation empowers the competent authority to prescribe and alter the inner line through notification.

75. The provision thus performs a jurisdictional function. It identifies the territorial limits within which the regulatory framework established by the regulation shall operate. The significance of Section 2 lies in the fact that the legislature itself recognises that the precise location of the inner line may require adjustment from time to time, depending upon administrative and other relevant considerations.

76. The power to alter the inner line is therefore embedded within the statutory design itself. Section 3 regulates entry into that area. Section 4 secures compliance with the regulatory framework.

77. Viewed in this manner, the regulation does not merely authorise drawing of a geographical line. It establishes a comprehensive statutory mechanism for regulating entry into specified areas.

78. The notification merely identifies the territorial area to which that framework shall apply. It demonstrates that the notification is not creating rights, obligations or disabilities independently of law. The rights and obligations flow from the statutory framework

embodied in the regulation.

79. Consequently, the challenge, founded on the contention that the restrictions have been imposed solely by executive fiat, overlooks the integrated statutory scheme set out in Sections 2, 3 and 4 of the Regulation.

Once the Regulation is recognised as a subsisting law continuing by virtue of Article 372 of the Constitution, the notification must be viewed as an exercise undertaken within the bounds of the said legislative framework.

80. The challenge under Article 19 of the Constitution of India constitutes the principal constitutional plank of the petitioners' case.

81. Article 19(1)(d) guarantees to every citizen the freedom to move freely throughout the territory of India. Article 19(1)(e) guarantees the right to reside and settle in any part of the territory of India. Article 19 (1)(g) protects the freedom to practice any profession or to carry on any occupation, trade, or business.

82. These freedoms occupy a central position within the constitutional scheme. They facilitate mobility, economic integration, and national unity.

83. Yet, the Constitution itself recognises that none of these freedoms is absolute.

84. Article 19(5) expressly authorises the state to impose reasonable restrictions upon the freedoms guaranteed under Article 19 (1)(d) and Article 19(1)(e) in the interest of the general public or for the protection of the interests of any scheduled tribe. Likewise, Article 19(6) permits reasonable restrictions upon the freedom guaranteed under Article 19(1)(g).

85. The constitutional inquiry, therefore, is not whether a restriction exists. The inquiry is whether the restriction is authorised by law and whether it satisfies constitutional standards of reasonableness.

86. We have already held that the impugned notification is traceable to an authority conferred under the Bengal Eastern Frontier Regulation 1873 and is, therefore, supported by law.

87. The remaining question concerns reasonableness. The petitioners urge that the extension of the inner-line permit regime substantially impairs the movement and residence. The contention requires examination of the nature of the impugned measure.

88. The notification does not prohibit entry into Dimapur, Chumoukedima, or Niuland, nor does it permanently exclude citizens from residing within those districts. The notification introduces a permit-based regulatory mechanism.

Regulation and prohibition are not constitutional equivalents.

89. Modern Constitutional governance frequently employs systems of registration, licensing, permits, and procedural compliance. Such a mechanism may regulate the manner in which a freedom is exercised without extinguishing the freedom itself.

90. The affidavit filed by the State specifically asserts that the present ILP regime is intended to improve implementation of an existing legal framework and is not designed to create internal barriers. The State further asserts that measures seek to address concerns relating to migration, public security, and preservation of indigenous interests.

91. Whether those objectives are preferable as a matter of policy is not the concern of constitutional review. The court's concern is whether the restriction bears a rational relationship to the constitutionally legitimate objective.

92. We find it does.

93. The Constitution itself recognises protection of Scheduled Tribes as a permissible basis under Article 19(5) of the Constitution of India. Equally, concerns relating to the regulation of migration and public order fall within areas where a degree of deference is ordinarily accorded to legislative and executive judgment. The measure does not create an absolute embargo. It does not foreclose entry. It does not extinguish the right of residence. It regularises the exercise of those rights through a permit mechanism established under law.

94. We are conscious of the principles enunciated in the **State of Madras v. V.G. Row,** reported in **(1952) 1 SCC 410** and relied upon by Mr. Choudhury, that reasonableness must be assessed with regard to the nature of the right, the purpose of the restriction, the extent of the evil sought to be remedied, and the prevailing conditions.

95. Tested on those parameters, the impugned measure cannot be characterised as unreasonable. It is traceable to law, pursues constitutionality and permissible objectives, and adopts a regulatory rather than prohibitory framework.

96. In determining reasonableness, the Court must also bear in mind the distinctive constitutional setting in which the measure operates. Nagaland occupies a position recognised by the Constitution itself through Article 371A of the Constitution of India. While Article 371A cannot override Part III, it forms part of the constitutional context in which reasonableness of the restriction must be assessed.

97. A constitutional adjudication does not occur in a vacuum, and context matters.

Article 371A reflects constitutional recognition of distinctive historical, social, and cultural positions occupied by Nagaland within the Indian Union. It represents an acknowledgement by the constitution itself that differentiated treatment in certain fields may legitimately exist.

98. Mr Choudhury, learned Senior Counsel for the petitioners, relied upon **R.C. Poudyal v. Union of India and Ors.,** reported in **1994 Supp (1) SCC 324,** to contend that the constitutional provisions conferring special treatment cannot transgress the basic structure of the Constitution**.**

99. There can be no quarrel with that proposition**.**

100. The present case, however, does not involve any challenge to Article 371A itself, nor does the impugned notification create an exclusion inconsistent with the basic constitutional framework.

101. We have already held that Article 371A is not being invoked as a source of overriding power, but merely constitutes part of the constitutional context in which the reasonableness of the impugned measure falls to be assessed.

102. Viewed from that perspective, the regulatory framework introduced by the impugned notification cannot be characterised as excessive, disproportionate, or destructive of freedoms guaranteed under Article 19.

103. The Constitution does not require that every citizen enjoy unrestricted access to every part of the country, irrespective of all competing constitutional considerations. What it requires is that restrictions be imposed through the authority of law and remain within the bounds of reasonableness.

104. We are also unable to accept the submissions of Mr. Choudhury, learned Senior counsel for the petitioners, that considerations relating to security or migration are constitutionally alien

to the expression "**in the interest of the general public**", occurring in Article 19(5).

105. The constitution employs a deliberately broad expression and not a catalogue of exhaustively enumerated grounds. The phrase "**interest of the general public**" is of wide amplitude and designed to accommodate the diverse societal concerns affecting the welfare, stability and collective interest of the community. To exclude considerations of migration, demographic pressure, prevention of social equilibrium, or security-related concern from its ambit would amount to reading limitations into the constitutional text which are not found therein. The impact of large-scale migration is not confined to the question of individual movement alone. It may have implications for land resources, employment opportunities, cultural preservation, demographic balance, public administration and the protection of vulnerable communities.

106. Equally, security concerns arising from peculiar geographical, historical or strategic circumstances of a region are matters directly bearing upon public welfare inasmuch as it is an admitted position that the State of Nagaland, including Dimapur, is declared as a disturbed area under the Armed Forces (Special Power) Act, 1958.

107. It would therefore be difficult to hold that such considerations stand outside the realm of "general public interest" merely because Article 19(5) does not expressly enumerate them or does not include "**public order**" as prescribed under Article 19(1).

108. The expression "general public" is necessarily contextual. What constitutes public interest in a frontier State with special constitutional protections may legitimately differ from considerations applicable elsewhere. Article 19(5) does not require constitutional blindness to regional realities.

109. The reliance on the decision **in Re: Section 6A of the Citizenship Act, 1955,** regarding the challenge to Section 6A of the Citizenship Act, 1955, concerning fraternity**,** is likewise misplaced**.**

The questions arising therein related to citizenship and the constitutional validity of the statutory regime applicable in Assam. The present controversy concerns the regulation of entry under Regulation 1873 and stands on altogether a different Constitutional footing.

110. Here, we should remind ourselves that the protection of the interests of Scheduled Tribes

is not merely one among several permissible grounds under Article 19(5); it is specifically enumerated in the Constitutional text itself.

111. Indeed, Article 19(5) expressly recognises the protection of tribal interests as a constitutionally permissible basis for restricting the rights under Article 19(1)(d) and Article 19(1)(e). Concerns relating to migration, demographic transformation and security may, in the given cases, bear a direct nexus to the preservation of indigenous communities and the maintenance of conditions necessary for the protection of their constitutional interest.

112. The true constitutional enquiry is not whether such considerations can be taken into account at all, but whether the restriction founded upon them satisfies the requirement of reasonableness. Once that threshold is met, there is no warrant for excluding such considerations from the broad ambit of "**interest of the general public**".

113. Reliance of Mr. Choudhury**,** learned Senior Counsel for the petitioners on **Gurbachan Singh Vs. State of Bombay and Anr.** reported in **(1952) 1 SCC 683** is also inapplicable, as the impugned Notification does not create an extraordinary exclusionary regime but merely subjects entry and residence to a regulatory permit mechanism recognised by law.

114. Yet, another important aspect is that the impugned notification itself furnishes a strong answer on the reasonableness because it does not treat all non-indigenous residents as a homogeneous class. Instead, it creates three historically distinct categories based on the changing legal and administrative status of Dimapur. The State has consciously differentiated between persons settled in Dimapur prior to 1st December, 1963, persons who settled between 2nd December, 1963 and 21st November, 1979 and persons entering thereafter.

115. These dates are not randomly chosen. The first category corresponds to the position obtained at the inception of the State of Nagaland, while the second category reflects the period preceding the declaration of Dimapur as a Tribal Belt by government Notification dated 22nd November, 1979. The Notification thus recognises distinct historical phases in the evolution of the district and accords differential treatments to persons whose presence in the area stands associated with those phases.

116. Equally significant is the nature of benefits conferred upon each category. Persons

settled prior to 1st December, 1963, are exempted from ILP and may be eligible for Permanent Resident Certificates (PRC in short). Persons settled between 2nd December 1963 and 21st November 1979 are likewise exempted from ILP and are also eligible for PRC. Only those persons who entered after the declaration of the Tribal Belt are required to obtain an ILP in accordance with the prevailing statutory regime.

117. The State has thus adopted a graduated and accommodating framework, subjecting only later entrants to regulatory requirements. Such a historical classification bears a direct nexus with the allowed object of balancing the protection of indigenous and tribal interests with the legitimate expectations of settled residents and therefore, satisfies the constitutional requirement of reasonableness both under Articles 19(5) and Article 14.

118. Far from operating retrospectively against the settled populations, the impugned notification substantially preserves accrued expectation while subjecting later entrants to regulatory requirements.

119. The principles governing reasonable classification, as explained in **Binoy Viswam Vs. Union of India and Ors.** reported in **(2017) 7 SCC 59,** relied on by Mr. Borthakur, learned Sr. counsel for the petitioners, do not assist the petitioners**.**

120. Nothing stated in **Kaushal Kishor Vs. State of Uttar Pradesh and Ors.** reported in **(2023) 4 SCC 1,** relied on by Mr Borthakur**,** learned Sr. counsel for the petitioners, detracts from the settled position that restrictions expressly contemplated by Article 19(5) remain constitutionally permissible, if otherwise reasonable**.**

121. The challenge founded upon Article 19 of the Constitution of India must therefore fail.

122. This brings us to the principal challenge under Article 14 of the Constitution of India.

123. The edifice of the petitioners' case is that Dimapur remained outside the operational framework of the ILP regime for decades, and its sudden inclusion is arbitrary and excessive.

124. The petitioners contend that the State cannot now turn around and justify the extension of the regime on the grounds of security, migration control, or protection of indigenous interests and that too without having any quantifiable data.

125.Referring to the justification advanced by the State that effective implementation of the ILP regime is necessary in view of the concerns relating to uncontrolled migration, public security, and law & order**,** the learned Counsel for the petitioners have strenuously argued that such a justification is inconsistent with the historical position adopted by the State itself. It was urged that Dimapur remained outside the operational framework of the Inner Line system for decades, precisely in order to facilitate trade, commerce, and economic integration, and that the State cannot now rely upon law and order considerations to justify the contrary policy.

126. The submission, though attractive, overlooks a basic feature of constitutional governance.

127. Consistency in governmental decision-making is undoubtedly a relevant constitutional value. At the same time, constitutional review must recognise the dynamic character of public policy. Governance is not conducted in static conditions. Social, economic, demographic, and administrative realities evolve with time. The Constitution does not require the State to remain permanently bound by an earlier policy choice merely because that policy was once considered desirable.

128. Economic consideration may legitimately predominate at one stage. Concerns relating to migration, administration, or security may subsequently assume greater significance. The mere fact that one set of considerations prevailed in the past does not render a later assessment constitutionally suspect.

129. It is equally necessary to bear in mind that Courts possess neither the institutional competence nor the democratic legitimacy to undertake a fresh balancing of competing policy considerations. The choice originally belongs to the Executive Branch acting within the bounds of law.

130. The affidavit filed by the State raises concerns regarding the regulation of migration, the protection of indigenous interests, public security, and the preservation of constitutional safeguards recognised in favour of people of Nagaland. In that backdrop, it cannot be said that the extension of the ILP regime to Dimapur bears no nexus to the object sought to be achieved by the Regulation, 1873.

131. The constitutional question is narrower. Are the concerns wholly extraneous, irrational, or incapable of supporting the policy adopted?

132. We are unable to answer that question in the affirmative. The reasons relied upon by the State cannot be described as fanciful or wholly unrelated to the object sought to be achieved.

133. That being so, the challenge founded on arbitrariness must fail.

134. Considerable reliance was placed by the petitioners on the decision of the Hon'ble Supreme Court in **M. Nagaraj and Ors. Vs. Union of India and Ors**. reported in (**2006) 8 SCC 212,** to contend that extension of the ILP regime to Dimapur after so many years of exemption and abruptly, could not have been undertaken in the absence of quantifiable data.

135. We are unable to accept the submission. The requirement of collection and evaluation of quantifiable data in **Nagaraj** (supra) arose in the specific constitutional context of reservation and consequential seniority under Articles 16 (4), 16 (4)(A) and 16 (4)(B), where the Constitution predicates affirmative action upon satisfaction of particular constitutional conditions, was held to require a demonstrable factual foundation.

136. The present cases concern neither reservation nor representational guarantees, but rather the territorial extension of a pre-existing statutory framework under the Regulation, 1873.

137. Secondly, the factual premise underlying the submission is itself not borne out by the record.

The learned Advocate General has produced before this Court the materials that preceded the impugned notification, including committee reports, departmental deliberations, and successive Cabinet decisions culminating in the extension of the ILP regime to Dimapur, Chumoukedima, and Niuland.

138. The record, therefore, discloses that the decision was preceded by institutional consideration at multiple levels of government and was not taken in an evidentiary vacuum. Whether the material was sufficient to justify the ultimate policy choice is not a matter of judicial determination in the exercise of the power of judicial review. The Court is concerned with the existence of relevant material and not with re-evaluating the sufficiency of that material as an appellate authority over Governmental policy, in the absence of manifest arbitrariness.

139. Once it is shown that the decision was preceded by consideration of reports and

recommendations placed before the Cabinet, the challenge founded upon the absence of quantifiable data cannot be sustained.

140. The reliance on **Dr. Jagadish Saran and Ors. Vs. Union of India** reported in **(1980) 2 SCC 768** is equally misplaced.

Unlike the affirmative preference examined therein, the present case concerns the territorial application of an existing statutory regime. In any event, the material placed before us discloses committee reports, Department deliberations and successive Cabinet decisions preceding the impugned notification.

141. The challenge founded under Article 14 must therefore fail.

142. The submission advanced on behalf of the Dimasa and Karbi petitioners deserves separate consideration.

143. Mr Borthakur, learned Senior counsel, emphasises the historical association of Dimapur with the Kachari kingdom and continuing familial, cultural, and social ties maintained by the members of the Dimasa community residing across the present State boundary.

144. The historical significance of these submissions cannot be doubted.

145. History forms an important part of the identity of communities and regions. The existence of enduring familial and cultural relationships between populations residing in adjoining districts of Assam and residents of Dimapur is neither implausible nor insignificant.

146. Yet, Constitutional adjudication proceeds on existing constitutional arrangements rather than on competing claims of historical sovereignty. The Court is not called upon to determine the territorial contours of pre-colonial kingdoms, nor are we concerned with adjudicating historical claims to sovereignty. The controversy before us concerns the Constitutional validity of a contemporary regulatory measure.

147. Viewed from that perspective, the historical association of Dimapur with the Kachari kingdom cannot by itself determine the outcome of the present proceeding. The Notification does not prohibit members of the Dimasa or Karbi communities from entering Dimapur. What it requires is compliance with a permit regime and an application to persons who do not fall within the exempted categories.

148. Mere inconvenience resulting from compliance with such requirements cannot furnish a sufficient ground for invalidating the measure. We therefore find ourselves unable to accept the challenge on these grounds.

149. Mr Bothakur, learned Senior Counsel, also urged that insistence upon NRC documentation creates an impossible condition of compliance because the NRC process in Assam has not attained finality.

150. The grievance essentially concerns the implementation of the notification rather than its constitutional validity. The present proceedings concern the legality of the notification itself.

151. At the same time, the concerns expressed on behalf of such petitioners cannot be regarded as wholly devoid of substance, particularly having regard to the peculiar circumstances pointed out by the petitioners and the fact that the NRC process in Assam has not yet attained finality.

152. However, in the course of the hearing, the learned Advocate General, after due consultation with the highest authorities of the State government, fairly stated that the concern expressed by the petitioners stands substantially addressed.

153. The learned Advocate General submitted that insofar as the districts of Cachar, Hailakandi, Dima Hasao, and Karbi Anglong, the neighbouring districts of Assam, are concerned, the competent authorities shall not insist upon production of a final NRC registration document.

154. It was further submitted that production of a "**Receipt of claim"**, which displays the details of an individual applicant for NRC registration, with an ARN number generated in the course of the NRC process and available in the public domain in downloadable form, shall be treated as sufficient for the purpose of processing applications under the applicable framework.

155. The statement made by the learned Advocate General is recorded. We have also kept on record one sample of such a receipt produced by the learned Advocate General.

156. In view of the stand taken by the State Government, the apprehension expressed on behalf of the petitioners substantially stands addressed. Therefore, in terms of the stand taken by the State government, the apprehension expressed on behalf of the petitioners in PIL No. 29/2025 does not survive for further adjudication.

157. Another ancillary aspect of the matter is that the learned Advocate General has drawn to the attention of the Court the contents of Writ Petition Civil No. 594 of 2019 instituted before the Supreme Court of India by Mr. Ashwini Kumar Upadhyay, challenging the amendment to Chapter-X of the Revenue Regulation, the criteria for issuance of the Indigenous Certificate, and the ILP regime and its implementation. The learned Advocate General has also produced an order dated 02-07-2019, whereby the Supreme Court dismissed the said writ petition, finding no merit warranting interference.

158. It is contended by the learned Advocate General, that as the petitioner in PIL No. 22/2025 initially approached the Hon'ble Apex Court and filed the present PIL being relegated to this Court by the Hon'ble Supreme Court, and as the said writ petition referred by the petitioner, the Supreme Court was represented by Mr. Ashwini Kumar Upadhyay, a Senior Advocate, the petitioner has had all the knowledge regarding such factum of dismissal of similar writ petition preferred by the said Senior Counsel. Therefore, in the fitness of things, the petitioners ought to have disclosed such factum.

159. Public Interest Litigation rests upon utmost candour and complete disclosure of all material facts. A litigant invoking the extraordinary jurisdiction of a constitutional Court in a representative capacity is expected to disclose earlier proceedings concerning the same subject matter. At the same time, dismissal of the writ petition without a reasoned adjudication does not constitute a declaration of law under Article 141 of the Constitution, nor does it by itself foreclose examination of a subsequent challenge.

160. In the facts of the present cases, we do not consider it necessary to return any conclusion on whether the omission amounted to deliberate suppression, since we have independently examined the challenge on its merits and found no ground for interference; we leave the issue there.

161. To summarise and conclude, we have held that:

I. The Bengal Eastern Frontier Regulation, 1873, continues to constitute law by virtue of Article 372 of the Constitution of India.

II. We have further held that the impugned notifications dated 20.09.2024 and dated 27.05.2025 derive authority from that Regulation and therefore, cannot be

characterised as a mere executive fiat.

III. We are also unable to hold that the extension of the ILP regime to Dimapur, Chumoukedima and Niuland is manifestly arbitrary or violative of Article 14 of the Constitution of India.

IV. The challenge founded upon Article 19 likewise fails.

V. The submission based upon Article 371A, historical association of Dimapur with the Kachari Kingdom and the absence of qualifiable data does not furnish grounds warranting interference.

162. For the discussions made and reasons recorded hereinabove, the challenge to the Notification No. CON-RIIN/50/2020 dated 20.09.2024, and to Notification No. DC/ILP-1/2018-D/PT/1459 dated 27.05.2025 fails.

163. The present petitions are accordingly dismissed.

164. Interim order, if any, in these petitions stand vacated.

165. There shall be no order as to cost.

JUDGE **CHIEF JUSTICE**

Comparing Assistant